Provincial Court of British Columbia

ANNUAL REPORT

2000 - 2001 Fiscal Year

105-03860/

THE HONOURABLE CAROL BAIRD ELLAN
CHIEF JUDGE

THE PROVINCIAL COURT
OF BRITISH COLUMBIA

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The Honourable Geoff Plant
Attorney General
PO Box 9044 Stn Prov Govt
Victoria, BC, V8W 9E2

Dear Mr. Attorney:

I submit herewith the first Annual Report of the Provincial Court of British Columbia. I am pleased and proud to present this Annual Report on behalf of the Provincial Court, its judges, justices of the peace, and staff. I am satisfied it will show that the court has continued over the past year to preserve the interests of the public and serve the province well.

The report includes developments in the court for the fiscal year April 1, 2000 to March 31, 2001. It has been prepared with the intention of enhancing the public's access to information regarding the court, and I respectfully suggest it be widely distributed.

Sincerely,

Carol Baird Ellan
Chief Judge

CBE:ae

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A. INTRODUCTION

The Provincial Court is the first level of court in B.C. The Court's broad jurisdiction, which covers criminal, family, child apprehension, small claims, and traffic cases, and the high volume of its caseload, mean that the Provincial Court is the only court to which a large majority of the province's litigants and witnesses will ever attend. For these people, the Provincial Court represents the face of justice in the province.

All divisions of the Provincial Court have as their aim the just, efficient and timely resolution of matters that come before it. The Court has participated in significant initiatives in the last several years in order to improve the delivery of justice to the public, resulting in notable improvements in early resolution, trial scheduling practices, and backlog.

Under the *Provincial Court Act,* the Chief Judge is assigned to oversee all aspects of judicial administration. This includes supervision and assignment of the court's judges and justices of the peace, supervision of judiciary staff, and management of a budget of over $33 million. This report represents a first effort to provide annual public information regarding all aspects of judicial administration in the Provincial Court.

The Chief Judge also chairs the Judicial Council, which has responsibility for recommending judicial appointments and maintaining the quality of justice in the Provincial Court. Information regarding the activities of the Council and the complaints process may be obtained through the Office of the Chief Judge or found at the Provincial Court website, www.provincialcourt.bc.ca.

Responsibility for providing facilities, registry and support services for the courts are assigned under the Act to the Chief Administrator of Court Services. More detailed information regarding statistics and caseloads, facilities and support services to the courts, may be obtained through the Ministry of the Attorney General, or from the Ministry website at www.ag.gov.bc.ca/public/.

Comments regarding this first annual report are welcome, and may be provided to the Chief Judge at the address below, or by email to webmaster@www.provincialcourt.bc.ca.

The Honourable Carol Baird Ellan
Chief Judge
Provincial Court of British Columbia
PO Box 10287, Pacific Centre
501 – 700 West Georgia Street
Vancouver, BC, V7Y 1E8

B. JURISDICTION, DIVISIONS AND COMPLEMENT

1. Jurisdiction and Divisions

Pursuant to the *Criminal Code*, like other provincial courts, the BC Provincial Court has jurisdiction in all criminal matters except murder and a few obscure offences, like treason and "alarming her majesty." A large majority of all the criminal cases in the province, in the range of 95 to 98%, are finally determined at the Provincial Court level. The small remainder goes on to Supreme Court. Criminal cases heard by the court may take the form of guilty pleas, preliminary inquiries, applications, or trials without a jury.

In the fiscal year ended March 31, 2001, amendments to the *Criminal Code* affected the Court's jurisdiction in several areas. A new regime was introduced for DNA warrants, and blood warrant provisions were amended to allow testing for drugs as well as alcohol. The maximum penalty for impaired driving causing death was increased to life imprisonment and the offence of operating a motor vehicle, vessel or railway equipment while disqualified was removed from the absolute jurisdiction of a Provincial Court Judge.

The Provincial Court also has concurrent jurisdiction with the Supreme Court of British Columbia under the *Family Relations Act* in family maintenance, child custody, guardianship and access. The court's jurisdiction in respect of child apprehension under the *Child, Family and Community Services Act* is exclusive, with the exception of protective intervention orders and restraining orders. The volume of family cases is roughly equivalent to that in Supreme Court.

The *Small Claims Act* assigns to the Provincial Court civil jurisdiction over claims for debt or damages, recovery of personal property, relief from opposing claims to personal property and specific performance of agreements involving personal property or services, to a monetary limit of $10,000. The volume of civil cases is currently about half that of Supreme Court.

The *Adult Guardianship Act* declared in force at the start of the fiscal year added to the Court's jurisdiction. The *Provincial Court (Adult Guardianship) Rules*, drafted in consultation with members of the Court, were passed in February 2001.

The judges of the court preside over all of the areas described above. While a few judges specialise in a particular area or areas, most sit on all types of cases.

The court also has jurisdiction in all traffic and bylaw offences and all other provincial and municipal offences prosecuted pursuant to the *Offence Act*. Many of these matters are heard by justices of the peace who sit in court. These members of the court were known as sitting justices of the peace, until they were renamed "judicial" justices of the peace on April 11, 2001.

2. Changes in Complement

At March 31, 2000, the complement of provincial court judges and justices of the peace totalled 544: 148 judges, 8 ad hoc judges, 21 sitting justices of the peace, 6 ad hoc sitting justices of the peace, and 361 non-sitting justices of the peace. By March 31, 2001, the complement had changed to 146 full time judges, 6 ad hoc judges, 19 full-time sitting justices of the peace, 2 part-time and 6 ad hoc sitting justices of the peace, and 319 non-sitting justices of the peace.

a. Retirements

During the year to March 31, 2001, the following full-time judges retired or left the court:

David M. Levis	May 4, 2000
Sidney G. Clark	May 31, 2000
Robert W. Metzger*	June 21, 2000
Kenneth J. Scherling	June 30, 2000
Glenn J.F. Baker	July 31, 2000
Edmond J. Cronin**	August 8, 2000
Shirley Giroday	January 31, 2001
Wallace G. Craig	March 31, 2001

*Appointed to Supreme Court, Kelowna, B.C.
**Deceased

The following ad hoc judges retired:

Phillip d'A. Collings	November 21, 2000
Nicholas Friesen	February 28, 2001
David M. Levis	March 31, 2001

One ad hoc sitting justice of the peace, Richard Kitos, retired on March 30, 2001.

b. Appointments

Eight new judges were appointed during the fiscal year. They are listed below with their appointment dates and the administrative districts to which they are assigned.

R. Patrick Chen	March 31, 2000	North Fraser
Shehni Dossa	March 31, 2000	North Fraser
Valmond Romilly	March 31, 2000	Vancouver Civil/Family
Michael J. Brecknell	June 29, 2000	Prince George/Peace River
William R. Jack	November 6, 2000	Northwest
Dan E. Moon	January 9, 2001	Coast
Jocelyn F. Palmer	February 1, 2001	Vancouver Criminal
Nancy N. Phillips	February 1, 2001	Okanagan

c. Other Changes

Judge Ray Low transferred from the Northwest District to the Vancouver District on January 2, 2001. Carol Baird Ellan was appointed Chief Judge on July 6, 2000, and Anthony J. Spence was appointed an Associate Chief Judge on December 31, 2000. Susan Antifaev and Robin R. Smith became Administrative Judges of the North Fraser and Cariboo Districts on January 1, 2001.

C. PROVINCIAL COURT JUDGES BY ADMINISTRATIVE DISTRICT

At March 31, 2001

Office of the Chief Judge	
C. Baird Ellan, Chief Judge	
Ad Hoc Judges:	
C.C. Barnett	L.A.T. Nimsick
R.C.S. Graham	K.D. Page
F.S. Green	T.W. Shupe

Vancouver/Richmond Criminal	
D.I. Smyth, Administrative Judge	
E.A. Arnold	R.R. Low
C.L. Bagnall	P.L. Maughan
B.E. Bastin	J.L. McCarthy
E.H. Bendrodt	T.D. McGee
R.D. Fratkin	H.J. McGivern
J.E. Godfrey	J.F. Palmer
J.R. Groberman	K.A.P.D. Smith
F.E. Howard	C.L. Trueman
W.J. Kitchen	H.F. Weitzel

Robson Square	
J. Auxier, Administrative Judge	
B.K. Davis	D.R. Pendleton
H.K. Dhillon	M.E. Rae
R.M. Gallagher	V. Romilly
J. Gedye	A.R. Tweedale
G.D. Gillis	J.F. Werier
M.R. Mondin	H.F. White
P.R. Meyers	W.F.W. Yee

North Fraser	
A.J. Spence, Associate Chief Judge	
S.C. Antifaev, Administrative Judge	
T. Alexlander	T.J. Gove
G.P. Angelomatis	K.J. Husband
C.J. Bruce	D.D. Pothecary
M.R. Buller Bennett	D.M.B. Steinberg
J.C. Challenger	D. Stone
R.P. Chen	C.E. Warren
P.L.J. de Couto	J.E. Watchuk
S. Dossa	

South Fraser	
E.D. Schmidt, Associate Chief Judge	
W.G. MacDonald, Administrative Judge	
M.C. Borowicz	K.J. Libby
J.G. Cohen	J.R. Lytwyn
N.C.M. Collingwood	M.I. MacAlpine
T.J. Crabtree	C.B. MacArthur
T.D. Devitt	S.K. MacGregor
E.A. Ferbey	C.G. Maltby
H. Field	R.D. Miller
G.S. Gill	R. Raven
B.G. Hoy	A.E. Rounthwaite
P.A. Hyde	J. Rounthwaite
J.W. Jardine	E.D. Scarlett
R.J. Lemiski	W.F. Stewart
J.J. Lenaghan	M.H. Thomas
	W.A. Young

South Vancouver Island	
L.W. Smith, Administrative Judge	
J.K. Bracken	J.M. Hubbard
L.F.E. Chaperon	J.N. Kay
A.I. Ehrcke	B.D. MacKenzie
A.E. Filmer	B.M. Neal
L.J.M. Harvey	A.J. Palmer
R.A. Higinbotham	E.J. Quantz

North Vancouver Island	
E.L. Iverson, Administrative Judge	
J.D. Cowling	B.R. Klaver
P.M. Doherty	C.D. Lazar
R.A. Gould	J.E. Saunders
J.I.D. Joe	B. Saunderson

Kootenays	
D.C. Carlgren Administrative Judge	
R.G. Fabbro	M.G. Takahashi
D.L. Sperry	D.M. Waurynchuk

Okanagan	
H.C. Stansfield, Associate Chief Judge	
J.J. Threlfall, Administrative Judge	
E.R. Brecknell	D.B. Overend
J.P. Cartwright	N.N. Phillips
B.J. Grannary	G.G. Sinclair
W.W. Klinger	B.C. Weddell

Kamloops	
H. Rohrmoser, Administrative Judge	
W.A. Blair	E.A. Sather
T.A. Dohm	B.W. Sundhu
J.P. Gordon	

Prince George	
P.V. Hogan, Administrative Judge	
M.J. Brecknell	R.B. Macfarlane
C.D. Cleaveley	D.W. Ramsay
B.L. Dollis	R.E. Walker

Cariboo	
R.R. Smith, Administrative Judge	
T.C. Smith	E.J. Woodward

Northwest	
E.F. de Walle, Administrative Judge	
W.R. Jack	P.R. Lawrence
A.K. Krantz	S. Point

Coast	
D.E. Moss, Administrative Judge	
E.M. Burdett	D.E. Moon
W.J. Diebolt	W.J. Rodgers
R.D. Grandison	J.B. Paradis

D. SITTING JUSTICES OF THE PEACE

The former designation of "sitting" justice of the peace (SJP) was changed by legislative amendment to "judicial" justice of the peace (JJP) on April 11, 2001.

During the 2000/2001 fiscal year, sitting JPs heard traffic and municipal bylaw matters and small claims payment hearings at different court locations throughout BC. They sat full or part time. As of March 31, 2001 there were 19 full-time, 2 part-time, and 6 ad hoc sitting JPs. Their names are listed below:

SITTING JUSTICES OF THE PEACE
At March 31, 2001

J.N. Aasen
R. Almond
H. Armstrong
W.M. Austin
J.D. Clark
J.F. Dodd
H. Gaffney
G. Hayes
D. Henderson
J.E. Hughes
C. Jolly
M. Kobiljski
B.D. Lambert
P.M. Lim
G.E. Madrick
Z. Makhdoom
L.L. Mayner
K.M. Morrison
A.M. Osborne
F.G. Palmer
C.M. Proctor
D.W. Rivett
J. Smigel
L.J. Taylor
E. Turley
M.K. Whelan
K. Yamamoto

A Task Group examining the role of SJPs delivered a preliminary report to the Chief Judge on March 19, 2001. The full text of the report may be found at www.provincialcourt.bc.ca. The Task Group reported that the history of justice delivery over the last several decades demonstrated the need for a "continuum of process" from the simple to the complex in the administration of justice.

The Task Group proposed, among other things: (1) A definition of the role of the Judicial Justice of the Peace as distinct from the Provincial Court Judge; (2) Consistent with the concept of a continuum of process, a framework for analysing those aspects of the whole of the Provincial Court jurisdiction which could more appropriately be discharged by judicial justices; (3) A number of procedural adjustments in practice before judicial justices, including enactment of "Ticket and Bylaw Offence Rules"; (4) That the Chief Judge urge the Attorney to initiate a process to reform existing legislation and practice regarding the prosecution of provincial enactment and municipal bylaw offences.

These proposals will be considered further in the next fiscal year by the Judiciary Planning Committee, in light of recent changes to the former office of sitting justice of the peace. As a result of these changes, this division of the court has now expanded to include the hearing of bail and search warrant applications, mainly through the 24-Hour Centre in Vancouver, and a number of new JJP appointments were made after the end of the 2000/2001 fiscal year.

E. COURT SERVICES JUSTICES OF THE PEACE

Court Services justices of the peace work in court registries throughout B.C. Besides their JP duties, which are assigned by the Chief Judge, they are employed by Court Services in various administrative positions, including those of court manager, administrator, and court clerk.

The duties assigned by the Chief Judge to court services justices of the peace were the subject of significant changes in April 2001, as a result of certain court decisions and legislative amendments. The main change was to transfer to judicial justices of the peace the duties of bail and search warrants previously assigned to Court Services justices of the peace. A description of the current duties and assignments of JPs in BC may be found on the Provincial Court website at www.provincialcourt.bc.ca.

During the 2000/2001 fiscal year, (prior to the above changes) the approximately 300 court services JPs throughout the province generally performed the following duties, assigned by the Chief Judge, on a daily basis:

- Reviewing applications for and the issuance of most types of search warrants.
- Receiving an Information (a document charging a person with an offence) on behalf of the court and issuing a summons or warrant to compel that person to come to court.
- Conducting bail hearings (also called "judicial interim release") where a person has been arrested, taken into custody, and charged with an offence.
- Deciding on issuing a subpoena or a warrant to compel a person to attend court as a witness.

F. STIPENDIARY (CALL-OUT) JUSTICES OF THE PEACE

These justices of the peace work part time on a call-out basis, and may also hold a variety of occupations in everyday life, provided there is no conflict or perceived conflict between their occupation and their JP duties. The appointment of these JPs has historically been determined by the need of the community, based on the population, size of the police force and the degree of isolation of the community.

Stipendiary JPs are paid monthly stipends determined by their workload and are reimbursed for car mileage incurred in the performance of JP duties. While these JPs are under the supervision of the Chief Judge in respect of their judicial duties, they are not employees of the judiciary or the government.

For reasons of administrative expediency and efficiencies gained by centralisation, the duties of stipendiary JPs who resign are now generally reassigned to judicial justices of the peace at the 24 Hour Centre in Vancouver. For this reason, it is not anticipated that new appointments of stipendiary JPs will continue to be made.

At March 31, 2001, there were 64 stipendiary justices of the peace in the province. They are listed on the following page under their assigned administrative region.

STIPENDIARY JUSTICES OF THE PEACE

At March 31, 2001

South Island	
Fedosenko, K.A.	McWhirter, R.D.

North Island	
Fielder, C.A.	Thomson, S.E.
Hodkinson, M.	Zaal, E.
Rich, S.	

South Fraser	
Atkins, L.M.	Rourke, H.R.
Morel, J.M.	Thornhill, D.M.
Randle, J.T.	

North Fraser	
Lyon, V.L.	Preddy, H.

Kootenays	
Adams, R.G.	Dzuris, L.A.
Canham, V.L.	Kipp, J.D.
Catherall, R.	Martin, D.L.
Cundliffe, J.S.	Tarr, M.J.

Okanagan	
Bosscha, A.	King, S.
Dhaliwal, H.S.	McIvor, R.M.
Franko, S.	O'Byrne, D.H.
Halvorson, E.A.	Walker, T.M.
Ingenhorst, R.J.	Watson, M.V.

Coast	
Hutchison, M.J.	Westerlund, D.R.
McKenzie, G.G.	

Cariboo	
Collins, D.W.	Molland, P.C.
Hayman, M.	Wilson, E.J.

Prince George	
Clark, J.B.	Logan, H.D.
Ferrante, C.M.	Paquette, B.M.
Helweg, J.A.	Starchuk, K.R.
Hall, J.	Vardy, D.C.

Northwest	
Barker, H.W.	Hunter, E.B.
Deacon-Rogers, L.J.	McLeod, D.J.
Forward, R.B.	Mittal, R.
Gale, S.E.	Wilson, R.E.
Higgins, S.M.	

Northern BC	
Hinde, B.C.	Sather, J.M.

Kamloops	
Atkinson, T.	Forrest, R.A.
Cruzelle, B.J.	Paulson, R.
Dickinson, C.M.E.	Simmons, L.R.

G. JUDICIAL CASE MANAGERS

Judicial Case Managers (formerly Trial Coordinators) are judiciary employees whose duties include trial scheduling, preparation of the judges' rota, and case management. They are justices of the peace, and may appear in court on initial appearances under the Criminal Caseflow Management Rules. A list by Administrative District of persons employed by the judiciary as Judicial Case Managers at March 31, 2001 is set out below.

JUDICIAL CASE MANAGERS
At March 31, 2001

Vancouver/Richmond Criminal
W.R. Bennett (Richmond)
C. Goodrich (Vancouver)
T.L. Hill (Vancouver)
C.J. Johnstone (Vancouver)
K.E. MacKenzie (Vancouver

Robson Square
C. Mayhew
P. Schwartz

North Fraser
M.C. DeFazio (New Westminster)
M.L. deKeruzec (Port Coquitlam)
S. Gill (Port Coquitlam)
E. Mitchell (Burnaby)
B.J. Serr (Maple Ridge)

South Fraser
W.R. Bennett (Delta)
M.B. Gill (Surrey)
J. Jenvey (Abbotsford)
J.A. Kurtz (Surrey)
S. Thorne (Surrey)
M. K. Warwick (Chilliwack)
B. West (Surrey)

Coast
S. I. McLarty (North Vancouver)

South Vancouver Island
S.L. Cole (Duncan)
D. Henry (Victoria)
Y. Locke (Victoria)
M.L. Preston (Victoria)

North Vancouver Island
D.G. D'Aitroy (Courtenay/Campbell River)
V. Mitchell (Nanaimo)

Kootenays
E. Smedstad (Cranbrook)

Okanagan
C.A. Rosom (Kelowna)
B.L. Vincent (Kelowna)

Cariboo
P.T. Thomas (Williams Lake)

Prince George/Peace
D. Pillipow (Prince George)

Kamloops
C.A. McGrath

Northwest
L. Leonardes (Terrace)
C.M. Foerster (Prince Rupert)

H. JUDICIAL ADMINISTRATIVE ASSISTANTS

Judicial administrative assistants are employees of the judiciary who perform secretarial and support services to the judges and judicial justices of the peace. These duties include preparing written judgments, assisting to prepare the judges' rota, and other clerical duties. The following is a list by Administrative District of Judicial Administrative Assistants employed by the judiciary at March 31, 2001.

JUDICIAL ADMINISTRATIVE ASSISTANTS
At March 31, 2001

Vancouver/Richmond Criminal
J. Hanif (Vancouver)
A. Romilly (Vancouver)
P. Sahota (Vancouver)

Robson Square
J.F. Crichton
C.L. McNeill

North Fraser
L. Lockstidt (Burnaby)
M. Low (Port Coquitlam)
D. Twerdun (New Westminster)
S.A. Trochta (Port Coquitlam)

South Fraser
G.J. Bridgewater (Surrey)
S. Knights (Surrey)
A. Mitchell (Abbotsford)

Coast
D. Garcia (North Vancouver)

South Vancouver Island
A. Bruce (Victoria)
C.J. Rodin (Victoria)

North Vancouver Island
K. Steele (Nanaimo)

Okanagan
L. Diamond (Kelowna)

Cariboo
J. Cunard (Williams Lake)

Prince George
A. Molgat (Prince George)

Kamloops
S.E. Chernoff

Northwest
L. Leonardes (Terrace)

I. OFFICE OF THE CHIEF JUDGE STAFF

The following is a list of the positions at the Office of the Chief Judge at March 31, 2001, and the persons who held those positions:

1. **Director of Judicial Administration**: (Mike Smith) - assists the Chief Judge in the administration of the judiciary, i.e., management of the budget, systems, resources, facilities, justice of the peace and trial coordinator programmes and special projects.

2. **Legal Officer**: (Denise E. Paluck) - provides legal advice to the Chief Judge and accesses legal resources for judges, judicial justices of the peace, justices of the peace and staff in the Office of the Chief Judge.

3. **Administrative Judicial Case Manager:** (Grant Marchand) provides the Chief Judge with reports on the state of the lists throughout the province; assists the case management program in achieving consistency of practice throughout the province.

4. **Systems Business Manager**: (Steve Rhodes) - plans, develops and recommends the acquisition of computer systems for the judiciary.

5. **Manager, Finance and Administration:** (Karen Dornan) - provides administrative, financial and human resources services; assists the director of judicial administration; monitors the budget; manages human resources; oversees acquisition of furniture and equipment.

6. **JP Administrator/Office Manager:** (Rosemary Chin) - assists the Chief Judge and director of judicial administration in the administration of the justice of the peace program; assists the Chief Judge, the Associate Chief Judge and director of judicial administration in the administration of unassigned and ad hoc judge programs; prepares and manages judicial justice of the peace rota; manages Office of the Chief Judge facility and reception/secretarial resources; processes requests for library purchases.

7. **Training Officer:** (Kent Macaulay - resigned on May 31, 2001) - develops and provides basic and advanced justice of the peace courses and other group training as required; provides ongoing information to justices of the peace.

8. **Executive Assistant to the Chief Judge**: (Aida Estrella) - provides secretarial and administrative support to the Chief Judge and Judicial Council of British Columbia

9. **Judicial Administrative Assistant to Associate Chief Judges:** (Maria Hla-Tin) - provides secretarial and administrative support to the Associate Chief Judges and others in the Office of the Chief Judge as required.

10. **Administrative Services Coordinator:** (Viviana Ascui) - assists manager of finance & administration.

11. **Systems Support Coordinators:** (Sandi Wadley) (Paul Waters*) – assist systems business manager. (*Left April 25. 2001, replaced by Mona Salameh.)

12. **Administrative Assistant to Director of Judicial Administration**: (Neyleen Khamisa*) - provides secretarial support to the director of judicial administration.
(*Left July 13, 2001, replaced by Serena Innes)

13. **Administrative Assistant to Legal Officer**: (Evelyn Suzuki) - provides secretarial support to the legal officer.

14. **JP Clerk**: (Myrna Himantog) - provides secretarial/clerical support to JP administrator and training officer; assists the JP administrator in the administration of the justice of the peace program.

15. **Travel Clerk**: (John Rideout) - processes travel vouchers; prepares and distributes financial reports and information.

16. **Accounts Clerk**: (Judy Darnel) - processes invoices and Visa payments; prepares and monitors contracts; assists with leave recording.

17. **Purchase Clerk**: (Aida Ballesteros) - purchases equipment and supplies for the judiciary; processes travel vouchers.

18. **Receptionist**: (Joyce Fernandes) - provides receptionist duties for the office of the Chief Judge.

J. FINANCIAL REPORTS

1. 2000/2001 Budget Submission and Expenditures

	2000/2001			
	Budget	**Actual**	**Variance**	
Operating Budget				
Salaries	25,733,000	25,705,411	27,589	
Supplemental Salaries	19,000	33,671	(14,671)	(1)
Benefits	4,677,800	4,715,024	(37,224)	(2)
Judicial Council/Ad Hoc	385,000	433,607	(48,607)	(3)
Travel	1,130,000	1,372,389	(242,389)	(4)
Professional Services	41,000	36,750	4,250	
Data/Telephone	482,000	399,518	82,482	
Office & Business Expenses	583,000	636,774	(53,774)	(5)
Advertising – Info	0	0	0	
Utilities/Materials	90,500	94,672	(4,172)	(6)
Operating Equipment/Vehicles	63,500	77,564	(14,064)	(7)
Amortization Expense	238,000	188,862	49,138	
Facilities/OCJ Rent	287,000	288,201	(1,201)	(8)
Grants (CAPCJ)	7,200	7,200	0	
Contributions (Library)	207,000	207,000	0	
Total Operating	**33,944,000**	**34,196,643**	**(252,643)**	
Leave Liability Credit			178,967	
Operating Variance as per Financial Management Report			(73,676)	
Capital Budget Variance (Systems & Furniture)			(55,587)	(9)
			(129,263)	
Complement:				
Provincial Court Judges	145.92			
Sitting Justices of the Peace	20.42			
Staff	67.66			
Total FTE:	234.00			

(1) Unanticipated maternity leave: No contingencies for unanticipated paid leave are included in budgeted salary amounts, which reflect only committed salaries for available positions. (2) Relocation expenses: Cost of judicial and staff transfers for the year exceeded estimates. (3) Ad hoc judge & SJP usage exceeded allocation: See breakdown of ad hoc judge usage in next section. (4) Projected and made a submission for $1,253,000: Budget submissions to the Attorney in the fall of the prior fiscal year projected increased travel expenditures in view of actual expenditures for the 1999/2000 fiscal year, and increasing accommodation and mileage charges. The amount allocated for travel for the 2000/2001 fiscal year remained at the same level as that for the 1999/2000 fiscal year. (5) Judge's Sentencing Seminar: Additional expenditure for judicial education at fall judges' conference. This item was included in Budget Submission for 2000/01 but was not funded. No specific allocation for judicial education is included in budgeted amounts. (6) Clothing costs higher than anticipated: Additional appointments were not included in budgeted amounts. (7) Projected and made a submission for an additional $20,000: Mandatory replacement of old vehicles for judicial travel in remote areas with substantial travel requirements and safety issues. (8) Unanticipated BCBC Service Request: No contingencies were included in budgeted amount. (9) Submission was made for additional computer funding but was not received: Budgeted amount includes maintenance and some necessary replacement but no upgrading.

2. Ad Hoc Judge Assignments

The following chart shows the amount of time committed to ad hoc judge services in the 2000-2001 fiscal year. The overage reflects the use of the ad hoc budget to pay salary for an additional judge for which there was no allotment. This fiscal year represents the last year in which the ad hoc budget included additional funding earmarked for backlog reduction, provided by the Attorney General in response to the April 1998 Report of the Chief Judge on Delay and Backlog in the Provincial Court of British Columbia.

FOR FISCAL YEAR 2000/2001
As at March 31, 2001

MONTH	DAYS USED		$ AMOUNT
	Backlog	Regular	
APRIL	22.00	12.00	$18,292.00
MAY	9.00	5.50	$7,801.00
JUNE	26.50	7.00	$18,023.00
JULY	24.00	7.00	$16,678.00
AUGUST	15.00	24.00	$20,982.00
SEPTEMBER	27.00	27.50	$29,321.00
OCTOBER	35.00	7.00	$22,596.00
NOVEMBER	13.50	21.00	$18,561.00
DECEMBER	8.00	3.00	$5,918.00
JANUARY	6.00	8.00	$7,532.00
FEBRUARY	7.00	13.00	$10,760.00
MARCH	9.00	4.00	$6,994.00
TOTAL	202.00	139.00	$183,458.00
TOTAL BACKLOG AND REGULAR USAGE		341.00	$183,458.00

ROVING JUDGE DAYS	220.00	$118,360.00
TOTAL DAYS USED	561.00	$301,818.00
BUDGET	**505.00**	**$271,690.00**
VARIANCE	(56.00)	($30,128.00)

* Total of regular ad hoc (180 days) and backlog reduction (325 days)

3. Ad Hoc Sitting Justice of the Peace Assignments

The complement of six ad hoc sitting justices of the peace were held on reserve for assignment to cover regular sitting justices of the peace in event of illness or inability to sit. The usage of ad hoc sitting justices of the peace exceeded anticipated levels in part due to the training of five new appointments.

FOR FISCAL YEAR 2000/2001
As at March 31, 2001

MONTH	DAYS USED	$ AMOUNT
APRIL	57.00	$13,908.00
MAY	10.00	$2,440.00
JUNE	14.50	$3,538.00
JULY	13.00	$3,172.00
AUGUST	15.00	$3,660.00
SEPTEMBER	13.00	$3,172.00
OCTOBER	12.50	$3,050.00
NOVEMBER	23.50	$5,734.00
DECEMBER	34.50	$8,418.00
JANUARY	15.00	$3,660.00
FEBRUARY	22.00	$5,368.00
MARCH	11.50	$2,806.00
TOTAL	241.50	$58,926.00

TOTAL BUDGET	225.00	$54,900.00
VARIANCE	16.50	$4,926.00

K. CRIMINAL DIVISION

1. Criminal Caseflow Management Rules

The Criminal Caseflow Management Rules, enacted in September 1999, and accompanying changes in criminal process (CCFM) were intended to achieve a wholesale change in "culture" in criminal practice, encouraging early resolution of cases where appropriate, and achieving greater event certainty. More specifically, two primary goals were to reduce the number of cases set for trial which do not proceed to the calling of evidence, and to reduce the number of unproductive appearances. The Rules were implemented in stages by administrative district commencing October 1999.

The implementation phase of CCFM, overseen by Associate Chief Judges Schmidt and Stansfield, was largely complete with the addition of the final two administrative districts, Vancouver Criminal and South Fraser, as of November 6, 2000. Reports as to the effects of CCFM on backlog and trial certainty throughout the year were remarkably positive.

As reported to the CCFM Steering Committee in March 2001, the inventory of cases in the province was healthier than three years prior. There were fewer cases pending as a proportion of new cases (down 24% province wide) and their age in the system decreased dramatically. Cases that required a trial were not waiting as long for a trial date, and those matters that completed did so sooner. The overall percentage of cases scheduled for trial reduced from 28% prior to the Rules to 15.5% after implementation.

In comparing the "pre-CCFM" timetable of January 1997 – March 1998 to the "post-CCFM" timetable of January 2000 – March 2001, allowing for differences in implementation dates, the following results can be seen:

	Total New Cases	Total Pending Cases	% of New Cases Pending
Pre-CCFM	94,597	24,998	26.40%
Post-CCFM	90,996	18,290	20.10%

	Total Pending Cases	Total Pending > 240 Days	% Pending > 240 Days
Pre-CCFM	24,998	8,761	35%
Post-CCFM	18,290	3,170	17.3%

	Total New Cases	New Cases Set for Trial	% of New Cases Set for Trial
Pre-CCFM	94,597	26,260	27.8%
Post-CCFM	90,996	14,235	15.6%

	Total Completed Cases	Total Guilty Pleas	% of Completed Cases with Guilty Plea	% of Guilty Pleas at 1st Appearance
Pre-CCFM	59,122	25,021	42.3%	19.5%
Post-CCFM	52,011	25,794	49.6%	12.7%

Following consultation with the defence bar, Crown counsel, Administrative Judges, and the Administrative Trial Coordinator, the Chief Judge issued a Practice Direction in mid-October, to allow accused persons with counsel to proceed directly to an arraignment hearing rather than

make a further initial appearance to file the arraignment report. This was intended to reduce the number of appearances, which in some areas was higher after implementation than before.

Throughout the implementation phase the Office of the Chief Judge continued to receive comments and concerns from participants in the criminal justice system. The review phase of CCFM officially commenced on April 1, 2001. Associate Chief Judge Spence has been assigned to oversee the review process, and will continue throughout the following fiscal year to assess the success of the program.

2. Caseloads

The number of criminal cases initiated in the Provincial Court has continued on a downward trend that commenced about five years ago. The number of new adult cases filed for the 2000-2001 fiscal year was 105,771, a decrease of some 1,687 from the previous fiscal year. Comparative figures for all subject areas for the past eight years are shown in the chart on the following page.

L. FAMILY DIVISION

The number of family cases initiated in the Provincial Court has continued the upward trend that commenced in 1995. This has caused increased pressure on the court, some of which has been ameliorated by new rules and process in family and child protection matters, with an emphasis on providing resources to families by way of parenting education, family justice counsellors, and mediation by judges and other professionals.

During this fiscal year the number of locations served by mandatory parenting after separation courses has increased from 8 to 10 and includes all the largest locations in the province. The court has also expanded from 5 to 6 the number of court registries known as "Rule 5" registries by the inclusion of Kelowna as a registry serviced by family justice counsellors, parenting education and mediation services. The court continues to provide judicial mediation in family and child protection cases throughout the province early in the process and as a result is setting only 20% of the cases for trial. Some of these cases resolve prior to the trial.

In Surrey a one-year pilot has commenced in child protection matters. This pilot will provide a meeting between parents and social workers and other interested parties very soon after a child is removed from a home. This meeting is facilitated by a trained facilitator who attempts to help all parties develop a joint plan of care for the children. Early results are encouraging.

M. SMALL CLAIMS DIVISION

The overall number of civil cases filed in the Provincial Court declined in the year. The decline has enabled the court to continue the trend to reduce the waiting time for settlement conferences and trials. Both North and South Fraser districts continue to experience high volumes and consequently longer delays.

The Court Dispute Mediation Practicum which provides trained mediators with supervised practical experience in mediating certain small claims cases has expanded from Robson Square

and Surrey to include cases from Delta and Nanaimo. The project takes about 1,000 cases per year and has a high settlement rate and assists in the early resolution of these cases. The project is overseen by a board which includes a representative of the judiciary and the Director of the Dispute Resolution Office of the Attorney General.

N. ADULT GUARDIANSHIP

The court has had only a few cases filed under the *Adult Guardianship Act*. This is a new act which was developed over a number of years to respond to issues involving the abuse of adult persons. The court developed comprehensive rules for the orderly conduct of these cases which were implemented in February 2001. The impact of this legislation on the court is yet unknown; therefore no resources have been allocated.

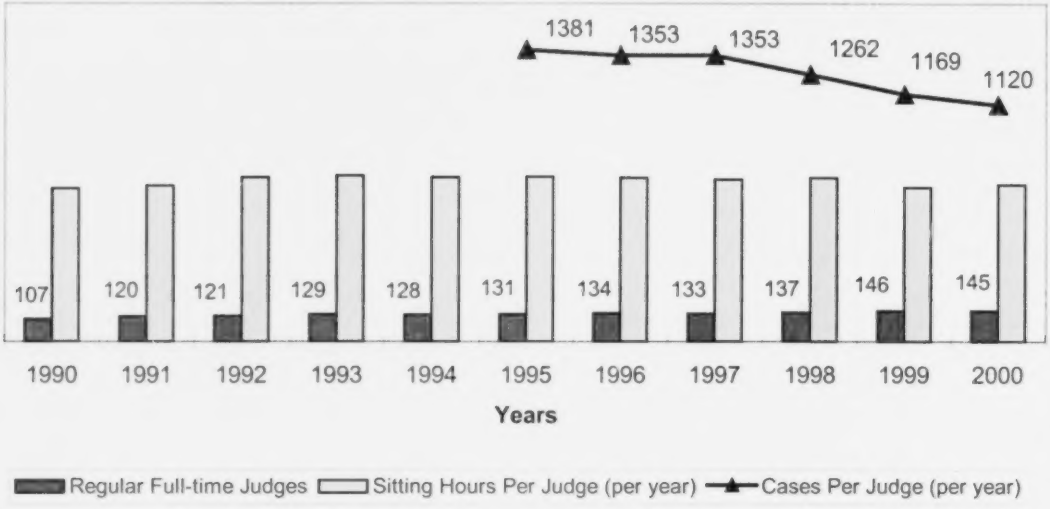
O. COMPARATIVE CASELOADS

The following charts show comparative caseloads for new cases for the current and previous fiscal years. While the trend toward decreasing criminal and small claims cases has continued, the decrease in the current fiscal year was less dramatic for adult criminal cases, though higher for youth. Significant increases in new cases were experienced in all other areas, with an overall increase of over 14,500 cases, as compared with just over 2000 for the prior fiscal year.

	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01
Prov. Crim Adult New Cases	101,563	105,583	109,758	107,236	112,316	110,161	107,458	105,771
Prov. Crim Youth New Cases	19,614	19,940	20,937	18,938	19,308	18,258	17,728	15,940
Prov. Crim New Traffic cases	49,682	56,119	50,984	57,725	56,813	70,164	72,832	84,311
Prov. Crim New Bylaw Cases	15,163	13,445	13,596	15,495	17,731	23,839	24,721	29,770
Prov. Civil Fam New Cases/Apps	18,295	18,024	20,644	23,305	23,959	25,854	28,130	32,403
Prov. Civil Small Clm New Cases	39,277	38,218	39,678	34,800	33,598	29,056	28,556	25,760
Total Provincial Crt New Cases	243,594	251,329	255,597	257,499	264,075	277,332	279,425	293,955

Completed criminal cases for the fiscal year totalled 109,474 for adult and 16,492 for youth. These figures were down 1.6% and 10% from the previous year, respectively. While completed cases continue to exceed new cases, that trend slowed somewhat in the current year. Case lengths in most subject areas would appear to be increasing, as indicated by the graph on the following page, which shows a continuing decline in the number of completed cases per judge, while sitting hours remain relatively constant.

Provincial Court Workload/Caseload Per Judge (per year)



P. WEBSITE AND JUDGMENT DATABASE

During the 2000 – 2001 fiscal year, the Provincial Court website, found at www.provincialcourt.bc.ca, underwent a full-scale review, performed by the Chief Judge and systems staff at the Office of the Chief Judge. As a result, the website is in a transition phase, and will be completely revised within the upcoming fiscal year. While efforts are made to ensure that the site is up to date, given the scale of revision that is contemplated, substantial updates are not currently being undertaken to the old site, though it still serves as the best source of current information about the court.

The website contains the Provincial Court judgment database, which itself has undergone dramatic expansion in the 2000 – 2001 fiscal year, due to diligence and dedication on the part of all judicial administrative assistants, in particular the concentrated attention of Maria Hla-Tin of the Office of the Chief Judge, and systems staff. As a result, as at March 31, 2001, the database contained 255 judgments, as compared with 10 at the end of the previous fiscal year.

The database is currently the only public on-line source of Provincial Court judgments, and in this respect it serves as a crucial tool for lawyers, media, and the public. It will continue to be expanded to include as many of the court's judgments as possible. However, most of the entries on the database are judgments that have been delivered in written form. A large proportion of the court's judgments are delivered orally, and do not yet find their way onto the website. With the revision of the website described above, it is hoped that greater numbers of decisions, both oral and written, will be placed on the database.

Q. MEDIA AND PUBLIC RELATIONS

1. Public Relations

During the 2000 to 2001 fiscal year, the Chief Judge and Associate Chief Judges and other judges participated in the following panels, conferences and public speaking engagements on behalf of the court.

Chief Judge:

- Victims Against Violence In Relationships, People's Law School, *Effects of Criminal Case Management Changes on Victim's Rights,* March 2000
- CBC TV, *Mentally Disordered Provisions of the Criminal Code,* August 2000
- First Year Law Students' Orientation, Vancouver Law Courts, September 2000
- Vancouver Sun, *Sentencing of Young Offenders*
- Capilano College, Eldercollege, *Why do Judges Sentence so Leniently?,* October 2000
- Young Presidents' Organization, *Judges' Sentencing Considerations*, September 2000
- New Westminster Bar Association, *Greetings from the Provincial Court,* January 2001
- Forum on Moving Forward, *Criminal Courts and Domestic Violence*, January 2001
- Canadian Bar Association, BC Branch, Annual Meeting, *Recent Developments in Provincial Court,* March 2000
- CBC Radio, *Criminal Caseflow Management Rules,* March 2001

Associate Chief Judge Schmidt

- "Case Management" - The Province Editorial Board, May 2000
- "Restorative Justice and the Judiciary", – Interaction 2000 Conflict Resolution Conference, University of British Columbia, June 2000
- Federation of Law Societies Criminal Law Program – Calgary, July 2000
- Association of Court Administrators Conference – Newfoundland, August 2000
- Ontario Judicial Administration Workshop "Civil and Criminal Case Management" – February 2001
- National Judicial Institute "Managing Successful Settlement Conferences" – December 2000
- Yukon Justice of the Peace College – Instructor – March 2001

Associate Chief Judge Stansfield:

- Crown, Defence and other criminal court users throughout the province regarding implementation of Criminal Caseflow Management
- all provincial probation officers in Kamloops, B.C.
- all provincial family justice workers in Burnaby, B.C.
- community justice (restorative justice) organizing groups Okanagan University, and Peachland
- multi-disciplinary gathering of provincial domestic violence professionals in Kelowna
- MADD interior B.C. Chapter
- B.C. Association of Chiefs of Police, Nelson
- Chiefs of Police Traffic Committee, Vancouver
- B.C. Interior meeting of Victims' workers, Okanagan resort
- numerous elementary and secondary school and local community groups

Judge Therese Alexander

- CKNW, Equality within the Justice System, March 2001

Judge Rick Miller

- CBC TV, *Criminal Caseloads and Procedure*, Spring 2001

2. Court's Policy on TV Coverage of Proceedings

In September 2000, media applied for the court's permission to televise parts of a high profile trial: *R. v. McSorley* , [2000] B.C.J. No. 2639. The Honourable Judge W. J. Kitchen ruled that the issue of television coverage was one of court policy, as opposed to law, and dismissed the application. In another provincial court case, a private citizen was allowed to videotape portions of the proceedings: R. v. Kennay (Maple Ridge Reg. No. 28948-01/Poco Reg. No. 62007-1T). The B.C. Supreme Court Committee on Televisions in the Courtroom published a preliminary policy and then a report in early 2001. In response to these developments, on April 20, 2001, the Chief Judge issued a preliminary policy statement to the judges of the court, as follows:

> My view of the matter is that until this Court has had an opportunity to formulate our own policy, and to develop guidelines, we should be consistent with the Supreme Court in considering such applications on a case-by-case basis.
>
> *However*, by way of a guideline in this interim period, may I respectfully suggest that there should be a presumption against allowing proceedings to be televised or broadcast, if to do so might cause discomfort to any witness, have the potential effect of deterring witnesses in *any future* similar cases, or otherwise potentially hamper the ongoing administration of justice in the province.

The Provincial Court will consider whether to develop a separate policy as part of the Judiciary Planning process to be undertaken in the 2001–2002 fiscal year.

R. EQUALITY COMMITTEE

The Equality Committee meets regularly to discuss and advise the Chief Judge on matters involving issues of social context and inequality, and plays a role in the education process undertaken by the Provincial Court Judges' Association's Education Committee.

The following members completed their terms in the 2000 – 2001 fiscal year:

The Honourable Judge G. Gill
The Honourable Judge A. Krantz
The Honourable Judge S. McGregor
The Honourable Judge B. Neal
The Honourable Judge D. Steinberg

At March 31, 2001, the Committee consisted of the following members:

The Honourable Judge B. Hoy - Chair

The Honourable Judge T. Alexander	The Honourable Judge R. Low
The Honourable Judge E. Burdett	The Honourable Judge J. Saunders
The Honourable Judge G. Cohen	The Honourable Judge B. Sundhu
The Honourable Judge P. de Couto	The Honourable Judge R. Tweedale
The Honourable Judge J. Kay	The Honourable Judge J. Woodward

Over the 2000–2001 fiscal year, the Committee met on May 12th, 2000, July 21st, 2000, September 29th, 2000, November 20th, 2000 and February 9th, 2001.

The Committee considered the following issues and participated in the following activities:

1. **Outreach Initiatives**: The Committee embarked on a new program of Outreach to the Community. Two sessions were undertaken with the assistance of the Law Courts Education Society. The first was held with the Chinese Community. The second was with clients and service providers for the downtown eastside. In each instance they were informal sessions facilitated by a representative of the Law Courts Education Society. It was a venue for frank and open discussions on a wide range of issues, including access to justice, Criminal and Family Law, cultural perceptions, mental health challenges and youths in conflict. It was a positive experience, leaving members with a keener insight into the issues which we confront through employment while the public is left with a better understanding of our role in that process. It is anticipated that there will be other similar programs.

2. **Multi-lingual Dictionary**: As a result of the Outreach Program quality interpretation was a prominent feature impeding access to justice. In the course of pursuing this topic the Committee endorsed its approval of an application by the Vancouver Community College through Dr. Silvanna Carr for a grant from the Law Foundation. The application was successful. The Committee now acts in an advisory role as a multi-lingual dictionary of common legal terminology is developed.

3. **Video Technology & Interpreters**: An initiative was undertaken to explore the use of video technology for interpreter services in more remote court locations for remand or other court functions. The purpose was to provide easier access to reliable and consistent translation services from a centralized source. Concerns over privacy issues were noted but new technology appears to alleviate this potential problem. The Committee has made recommendations to the Office of the Chief Judge.

4. **French Language Trials**: The **Beaulac** decision prompted a review of access to French language trials in B.C. Various recommendations were made to the Office of the Chief Judge.

5. **Access To Justice**: Access to justice by the disabled was reviewed. Through the Office of the Chief Judge steps were taken to rectify wheelchair access at the Fort St. John Courthouse. Marla Gilsieg of the Canadian Bar Association reviewed access to justice for those who are hearing impaired. A more comprehensive examination of access to Court facilities is currently being undertaken.

6. **Job Sharing:** Discussions occurred about the feasibility of job sharing or leaves of absence. Further consideration will be given to options which might be available.

7. **Oaths & Affirmations:** Ongoing reviews of a proposed policy for the use of oaths and affirmations in our diverse society continues.

8. **N.J.I. Conference:** Two members attended an N.J.I. Conference in June, 2000 at Alymer, Quebec. Its purpose was to analyze past and present efforts at social context education and its integration into substantive law education. From the various participants and levels of Court across Canada there was a wide range of experience and receptiveness to this type of education. It is fair to state that this court remains at the forefront of such education.

9. **Spring Judges' Conference 2000:** The Committee utilized seminar time to review R. v. Gladue. This was done with the assistance of the Honourable Judge S. Point.

S. SECURITY COMMITTEE

Judicial security concerns are brought to the attention of this committee through individual judges and by communicating with the Administrative Judges on an ongoing basis. The committee meets two or three times per year.

The following persons were members of the Security Committee as of March 31, 2001.

The Honourable Judge H.J. McGivern, Chair
The Honourable Judge W.W. Klinger
The Honourable Judge A.J. Palmer
K. Morrison, Sitting Justice of the Peace
M. Smith, Director of Judicial Administration
R. McKenna, Sheriff

The Committee met on June 16, 2000, December 1, 2000, and March 30, 2001. It dealt with a number of security concerns, including adequate secured parking for Judges and Sitting JP's, security within courthouses, letter bomb threats, use of metal detectors at courthouses, and special consideration was given to the use of video security cameras in courtrooms.